

2021 VIRTUAL ANNUAL MEETING MINUTES AND VOTING RESULTS

March 20 & 27, 2021

CALL TO ORDER: **TIME:** 10:35 AM **BY:** Commissioner Bob Long

OPENING NOTES:

Commissioner Chair Bob Long read a statement that due to the declared state of emergency (COVID-19) and in accordance with House Bill 1129, the Commissioners were authorized to conduct this second session of the District's annual meeting electronically, and that there was no physical location to observe and listen contemporaneously with this session; however, in accordance with HB1129 and RSA 91-A, the District was meeting the following requirements:

- A) providing simultaneous public access to the second session by telephone and video access through the Zoom platform;
- B) sending personal notice to each voter at least 7 days in advance with the online link, telephone number and passcode necessary to join this session by computer or telephone;
- C) providing a mechanism for the public to alert the Commissioners during this session if there is a problem with access and providing a telephone number and email address monitored during the session for such alerts:
- D) If the public is unable to access this session, the meeting will be adjourned and re-scheduled;
- E) If the Commissioners take any votes during the session, they will do so by roll call vote.

Bob Long asked for a moment of silence for Tony and Toni Salvucci and Gina Paye who passed away in 2020.

Moderator Chris Demers led participants in the Pledge of Allegiance and then introduced MLD Commissioners Bob Long, Mike Roberts and Mark Johanson; District Clerk Karen Rajsteter, District Treasurer Laraine King, District Administrator Kristi Garofalo and District Water/Maintenance Manager Don Drew, along with District Legal Counsel Christine Fillmore. He also thanked the Supervisors of the Checklist for their work on Voting Day.

COMMISSIONER ROLL CALL: Bob Long (with Dottie Long), Mike Roberts (with Chris Roberts) and Mark Johanson (with Linda Johanson) were present.

PUBLIC PRESENT AT VIRTUAL ANNUAL MEETING VIA ZOOM: Chris Demers, Laraine King, Ken King, Robert Roudebush, Fred Garofalo, Karen Rajsteter, Ed Rajsteter, Mary Houde, Don Dubrule, Dave Gilbertson, Laura Gilbertson, Roger Warren, Barbara Warren, Debbie Fisk, Tom Mangels, John Acker, Deb Regen, Dave Long, Ron Fredey, Heather Long, Patricia Brady, Thalia Bessette, Tom Cecere, Lois Keenan; Joe McQueeney, Denis Heartt, Ken Huard, Josh Aldrich, Cindy Williams, Barb Stanfield, Seth Stanfield, and participants identified as Farmhouse and 1-603-348-XXX.

Moderator Chris Demers then led discussion of the 2021 Warrant. Notes and voting results follow:

Article 01: Approve Optional Annual Meeting Procedures

Are you in favor of approving the District's optional annual meeting procedures according to House Bill 1129 as adopted by the NH Legislature and signed by the Governor, due to the COVID-19 pandemic? (Majority vote required)

IF this article is not approved, all other votes shall be deemed to have failed and the Commissioners will have the option of calling a special meeting before September 1 to adopt an operating budget, or opt to deem that the

2021 VIRTUAL ANNUAL MEETING MINUTES AND VOTING RESULTS

March 20 & 27, 2021

meeting has adopted the 2020 operating budget again, without any separate warrant articles.

AMENDED? YES _____ NO X

MARCH 27TH VOTING RESULTS: Ayes – 70 Nays – 9; ARTICLE PASSED

NOTES: Moderator Demers read Article 1 and opened the meeting to the public for questions. Commissioner Long stated because of HB 1129 it was critical that Article 1 be approved by a majority vote. If it is not approved by a majority vote it would not allow the District to move forward with several Water Department projects as well as the other warrant articles. Commissioner Mark Johanson mentioned the Water Department Budget is 1% over last years. There were no questions. Moderator Demers proceeded to Article 2.

Article 02: Appropriate Funds for General Operations

To see if the District will vote to raise and appropriate the sum of Two Hundred Twenty Nine Thousand Seventy Seven Dollars (\$229,077) for general municipal operations. This article does not include appropriations contained in special or individual articles addressed separately. The Commissioners recommend this article. (Majority vote required)

AMENDED? YES _____ NO X

MARCH 27TH VOTING RESULTS: Ayes – 69 Nays – 10; ARTICLE PASSED

NOTES: Moderator Demers read Article 2 and opened the meeting to the public for questions. There were no questions. He proceeded to Article 3.

Article 03: Appropriate Funds for Water Department Operations

To see if the District will vote to raise and appropriate the sum of One Hundred Eighty Nine Thousand Six Hundred Fifty Eight Dollars (\$189,658) for the operation of the Mountain Lakes Water Department, with said funds to come from Water Department User Fees. The Commissioners recommend this article. (Majority vote required)

AMENDED? YES _____ NO X

MARCH 27TH VOTING RESULTS: Ayes – 69 Nays – 11; ARTICLE PASSED

NOTES: Moderator Demers read Article 3 and opened the meeting to the public for questions. Barbara Warren asked how much water the District was purchasing from Woodsville? Commissioner Johanson responded it had been about \$50,000 per year, but was now down to \$37,000, which was a 25% reduction. Barbara Warren asked if there would be an increase in the 2021 water bill. Commissioner Johanson responded there would be a \$25 increase in the base rate. A Bath resident asked the amount of increase for Bath residents. Commissioner Long responded it was in the Annual Booklet on page 21. There being no further questions, Moderator Demers proceeded to Article 4.

2021 VIRTUAL ANNUAL MEETING MINUTES AND VOTING RESULTS

March 20 & 27, 2021

Article 04: Appropriate Funds to Water Capital Improvement CRF

To see if the District will vote to raise and appropriate the sum of Four Thousand Four Hundred Fifty Seven Dollars (\$4,457) to be added to the Mountain Lakes Water Department Capital Improvement and Maintenance Capital Reserve Fund (established in 1992, revised in 2003 and 2018). This sum to be funded from Water Department User Fees. The Commissioners recommend this article. (Majority vote required)

AMENDED? YES _____ NO X

MARCH 27TH VOTING RESULTS: Ayes – 66 Nays – 14; ARTICLE PASSED

NOTES: Moderator Demers read Article 4 and opened the meeting to the public for questions. A question was raised regarding what the funds were used for and the answer was given that the funds are used to replenish funds used last year for things like water breaks and to pay the contractors who do the work. Tom Mangels asked if the Commissioners were the agents to expend from all District CRFs. Commissioner Long responded Yes. There being no further questions, Moderator Demers proceeded to Article 5.

Article 05: Appropriate Funds to Water Emergency CRF

To see if the District will vote to raise and appropriate the sum of Nine Thousand Dollars (\$9,000) to be added to the Water Emergency Capital Reserve Fund (established in 1993, revised 1995 and 2015). This sum to be funded from Water Department User Fees. The Commissioners recommend this article. (Majority vote required)

AMENDED? YES _____ NO X

MARCH 27TH VOTING RESULTS: Ayes – 67 Nays – 12; ARTICLE PASSED

NOTES: Moderator Demers read Article 5 and opened the meeting to the public for questions. There were no questions. Moderator Demers proceeded to Article 6.

Article 06: Appropriate Funds to General Operations Legal Expenses CRF

To see if the District will vote to raise and appropriate the sum of Three Thousand Dollars (\$3,000) to be added to the Mountain Lakes General Operations Legal Expenses Capital Reserve Fund (established in 2014). This sum to come from General Operations Unassigned Fund Balance. No amount to be raised from taxation. The Commissioners recommend this article. (Majority vote required)

AMENDED? YES _____ NO X

MARCH 27TH VOTING RESULTS: Ayes – 68 Nays – 12; ARTICLE PASSED

NOTES: Moderator Demers read Article 6 and opened the meeting to the public for questions. Commissioner Long stated this year the District relied on legal counsel, attorney Christine Fillmore, to help with the HB 1129 guidelines for annual meetings. There were no questions. Moderator Demers proceeded to Article 7.

2021 VIRTUAL ANNUAL MEETING MINUTES AND VOTING RESULTS

March 20 & 27, 2021

Article 07: Appropriate Funds to Planning Board Legal Expenses CRF

To see if the District will vote to raise and appropriate the sum of One Thousand Five Hundred Dollars (\$1,500) to be added to the Mountain Lakes Planning Board Legal Expenses Capital Reserve Fund (established in 2014). This sum to come from General Operations Unassigned Fund Balance. No amount to be raised from taxation. The Commissioners recommend this article. (Majority vote required)

AMENDED? YES _____ NO X

MARCH 27TH VOTING RESULTS: Ayes – 68 Nays – 11; ARTICLE PASSED

NOTES: Moderator Demers read Article 7 and opened the meeting to the public for questions. There were no questions. Moderator Demers proceeded to Article 8.

Article 08: Appropriate Funds to Planning Documents Update CRF

To see if the District will vote to raise and appropriate the sum of One Thousand Dollars (\$1,000) to be added to the Mountain Lakes Planning Documents Updates Capital Reserve Fund (established in 2016, revised in 2018). This sum to come from General Operations Unassigned Fund Balance. No amount to be raised from taxation. The Commissioners recommend this article. (Majority vote required)

AMENDED? YES _____ NO X

MARCH 27TH VOTING RESULTS: Ayes – 71 Nays – 9; ARTICLE PASSED

NOTES: Moderator Demers read Article 8 and opened the meeting to the public for questions. There were no questions. Moderator Demers proceeded to Article 9.

Article 09: Appropriate Funds to Future Dam Projects CRF

To see if the District will vote to raise and appropriate the sum of Ten Thousand Dollars (\$10,000) to be added to the Mountain Lakes Future Dam Projects Capital Reserve Fund (established in 2016). This sum to come from General Operations Unassigned Fund Balance. No amount to be raised from taxation. The Commissioners recommend this article. (Majority vote required)

AMENDED? YES _____ NO X

MARCH 27TH VOTING RESULTS: Ayes – 70 Nays – 10; ARTICLE PASSED

NOTES: Moderator Demers read the article and opened the meeting to the public for questions. Commissioner Long said this fund was started several years ago and there is currently a balance of approximately \$8,000. Water/Maintenance Manager Don Drew stated there is a state inspection coming up and work needs to be done along the causeway. There were no questions. Moderator Demers proceeded to Article 10.

2021 VIRTUAL ANNUAL MEETING MINUTES AND VOTING RESULTS

March 20 & 27, 2021

Article 10: Appropriate Funds to Office Software & Equipment CRF

To see if the District will vote to raise and appropriate the sum of Two Thousand Dollars (\$2,000) to be added to the Mountain Lakes Office Software and Equipment Capital Reserve Fund (established in 2018, amended in 2020). This sum to come from General Operations Unassigned Fund Balance. No amount to be raised from taxation. The Commissioners recommend this article. (Majority vote required)

AMENDED? YES _____ NO X

MARCH 27TH VOTING RESULTS: Ayes – 70 Nays – 10; ARTICLE PASSED

NOTES: Moderator Demers read the article and opened the meeting to the public for questions. There were no questions. Moderator Demers proceeded to Article 11.

Article 11: Appropriate Funds to District Infrastructure CRF

To see if the District will vote to raise and appropriate the sum of Thirty Five Thousand Dollars (\$35,000) to be added to the Mountain Lakes District Infrastructure Capital Reserve Fund (established in 2020) *with Seventeen Thousand Five Hundred (\$17,500) to come from General Operations Unassigned Fund Balance and Seventeen Thousand Five Hundred (\$17,500) to come from taxation.* The Commissioners recommend this article. (Majority vote required)

AMENDED? YES _____ NO X

MARCH 27TH VOTING RESULTS: Ayes – 62 Nays – 18; ARTICLE PASSED

NOTES: Moderator Demers read Article 11 and stated the funding source language (in italics above) was not included in the Annual Booklet, but was correct in all notices and DRA forms, and would be included on the ballot. He opened the meeting to the public for questions. There were no questions. Moderator Demers proceeded to Article 12.

Article 12: Establish Unfunded Payroll Obligations CRF

To see if the District will vote to establish a Unfunded Payroll Obligations Capital Reserve Fund under the provisions of RSA 35:1 for the purpose of paying unfunded paid time off and other payroll obligations; and to raise and appropriate the sum of Ten Thousand Dollars (\$10,000) to be placed in this fund with this sum to come from General Operations Unassigned Fund Balance (no amount to be raised by taxation). And further, to name the District Commissioners as agents to expend from said fund. The Commissioners recommend this article. (Majority Vote Required)

AMENDED? YES _____ NO X

MARCH 27TH VOTING RESULTS: Ayes – 62 Nays – 17; ARTICLE PASSED

NOTES: Moderator Demers read Article 12 and opened the meeting to the public for questions. Commissioner

2021 VIRTUAL ANNUAL MEETING MINUTES AND VOTING RESULTS

March 20 & 27, 2021

Long stated the Commissioners became aware of a backlog of unpaid personnel vacation and sick time. Deposits will be made to this CRF over a three-year span to fund that liability when needed. The MLD employee manual has now been revised to correct the issue that led to the backlog. There were no questions. Moderator Demers proceeded to Article 13.

Article 13: Proposed Zoning Ordinance Amendment #1

To see if the District will vote to adopt Amendment No. 1 as proposed by the Planning Board for the Mountain Lakes District Zoning Ordinance.

Amendment No. 1 would revise Section 902 Terms & Use Definitions by adding a Definition for "Pools" and by including "Pools designed to contain water over 24 inches deep" to the Definition of "Structure"; and would add requirements for pools to Section 307 Accessory Uses to address safety, setbacks, screening, and water quality protection. (Majority vote required)

MARCH 27TH VOTING RESULTS: Ayes – 58 Nays – 21; ARTICLE PASSED

NOTES: Moderator Demers read Article 13 and opened the meeting to the public for questions. There were no questions. He proceeded to Article 14

Article 14: Proposed Zoning Ordinance Amendment #2

To see if the District will vote to adopt Amendment No. 2 as proposed by the Planning Board for the Mountain Lakes District Zoning Ordinance.

Amendment No. 2 would add the following new provision to Section 1001 Zoning Permit: Seasonal structures, including, but not limited to, pools and docks, require a new zoning permit if removed for twelve months or longer, or if enlarged, relocated, or replaced with another structure which varies from the originally permitted structure in size, shape, material, or method of attachment. (Majority vote required)

MARCH 27TH VOTING RESULTS: Ayes – 51 Nays – 28; ARTICLE PASSED

NOTES: Moderator Demers read Article 14 and opened the meeting to the public for questions. Laura Gilbertson asked if this amendment would include only new construction. Commissioner Roberts responded it was for new requests; existing seasonal structures were not included unless they were removed for longer than 12 months and then a new permit would be required. There being no further questions, Moderator Demers proceeded to Article 15.

Article 15: Proposed Zoning Ordinance Amendment #3

To see if the District will vote to adopt Amendment No. 3 as proposed by the Planning Board for the Mountain Lakes District Zoning Ordinance.

2021 VIRTUAL ANNUAL MEETING MINUTES AND VOTING RESULTS

March 20 & 27, 2021

Amendment No. 3 would add the following new provision to Section 1001 Zoning Permit: A zoning permit for an accessory structure shall not be granted prior to completion of the principal building on the lot.

(Majority vote required)

MARCH 27TH VOTING RESULTS: Ayes – 45 Nays – 33; ARTICLE PASSED

NOTES: Moderator Demers read Article 15 and opened the meeting to the public for questions. There were no questions. Moderator Demers proceeded to Article 16.

Article 16: Proposed Zoning Ordinance Amendment #4

To see if the District will vote to adopt Amendment No. 4 as proposed by the Board of Commissioners for the Mountain Lakes District Zoning Ordinance.

Amendment No. 4 would add language to Section 1003 Enforcement and Penalty on investigatory and enforcement action if the Board of Commissioners duly appointed representative is not available; would amend the notice of violation procedure; and add language pertaining to the District's right to pursue any and all available remedies under NH RSA Chapter 676 and otherwise under New Hampshire law.

The Mountain Lakes District Planning Board voted to recommend approval of this zoning amendment.

(Majority vote required)

MARCH 27TH VOTING RESULTS: Ayes – 57 Nays – 22; ARTICLE PASSED

NOTES: Moderator Demers read Article 16 and opened the meeting to the Public for questions. There were no questions. Moderator Demers proceeded to Article 17.

Article 17: Explore Revitalization for Lodge/Monteau Area

To see if the District will vote in favor of the District Commissioners exploring possibilities for the revitalization and use of the District Lodge and the former Monteau Ski Area.

AMENDED? YES _____ NO X

MARCH 27TH VOTING RESULTS: Ayes – 67 Nays – 14; ARTICLE PASSED

NOTES: Moderator Demers read Article 17 and then read an email received from Joe McQueeney who urged the voters to vote No because he felt it would be a disturbance to the community. Moderator Demers then opened the meeting to the public for questions. Dave Long stated he felt it would be a huge benefit to the community. Commissioner Johanson stated revitalization of the area was just being explored and before anything is done, there would be input from the community. The Commissioners shared their vision that any revitalization effort would be by private investors and it would not be a burden on the District taxpayers. Laura Gilbertson said she

2021 VIRTUAL ANNUAL MEETING MINUTES AND VOTING RESULTS

March 20 & 27, 2021

would like to see a variety of activities for everyone to enjoy. There were no other questions. Moderator Demers proceeded to Article 18

Article 18: Petitioned Warrant Article – ATV Travel on District Roads

To see if the District will petition the Town of Haverhill to allow the use of OHRV's (ATV's, Side by sides) on all roads within the District boundaries. The petition should include that the District, if granted, understands all State of NH ATV rules and regulations will be implemented and followed.

AMENDED? YES _____ NO X

MARCH 27TH VOTING RESULTS: Ayes – 42 Nays – 39; ARTICLE PASSED

NOTES: Moderator Demers read Article 18 17 and then read an email from Joe McQueeney who urged the voters to vote No because he felt ATV travel on District roads would be a disturbance to the community and rules couldn't be enforced. Moderator Demers then opened the discussion to the public. Roger Warren read a statement asking what kind of recreational community we wanted to be – physical or mechanical – and stating his reasons for encouraging all to vote No on this article. Dave Long stated he had conversations with a lot of people in the community who would like to see ATV travel allowed in the District and it would be convenient access to other ATV trails in the area. There were no other questions. Moderator Demers proceeded to Article 19.

Article 19: To Elect District Officers

To elect the following District officers:

1) A Commissioner for a term of three (3) years.

NAME: Bob Long

NOMINATED BY: Robert Roudebush SECONDED BY: Patricia Brady

Patricia Brady moved to close nominations; Mark Johanson seconded. Moderator Demers closed nominations.

MARCH 27th VOTING RESULTS:

Bob Long – 64, Write-in Candidate Ken Huard – 13

2) A District Clerk for a term of one (1) year.

NAME: Karen Rajsteter

NOMINATED BY: Dottie Long SECONDED BY: Patricia Brady

Patricia Brady moved to close nominations; Mark Johanson seconded. Moderator Demers closed nominations.

MARCH 27TH VOTING RESULTS:

2021 VIRTUAL ANNUAL MEETING MINUTES AND VOTING RESULTS

March 20 & 27, 2021

Karen Rajsteter – 71, Write-in Candidate Jim Fallon – 1

3) *A Treasurer for a term of one (1) year.*

NAME: Laraine King

NOMINATED BY: Robert Roudebush SECONDED BY: Karen Rajsteter

Patricia Brady moved to close nominations; Mark Johanson seconded. Moderator Demers closed nominations.

MARCH 27TH VOTING RESULTS:

Laraine King – 72, Write-in Candidate Ken Turner – 1

Article 20: Any Other Legal Business

To transact any other business that may be legally brought before the District Meeting.

Commissioner Long reiterated if Article 1 fails, all other warrant articles will fail except for the zoning amendments and elections. Christine Fillmore, legal counsel, explained there would be two ballots on Voting Day: the Official Ballot with Articles 13-16 (Zoning Amendments) and Article 19 (Elect District Officers); and the Alternate Ballot with all other 2021 Warrant Articles. Bob Long noted absentee ballots will be available for both the Official Ballot and the Alternative Ballots upon request to the District Office and must be returned by 5:00 pm on Friday, March 26 in order to be included in the vote count on Voting Day March 27.

The Commissioners personally purchased a gift card and presented it to District Administrator Kristi Garofalo for her hard work in getting ready for the 2021 Annual Meeting.

The Commissioners announced the 2021 Person of the Year, Ken King, and thanked him for his years of service to the District, particularly as the long-time chair (and sometimes secretary) of the Water Committee.

MOTION TO ADJOURN MADE BY: Commissioner Long

SECONDED BY: Commissioner Johanson

ROLL CALL VOTE: Bob Long: Aye Mike Roberts: Aye Mark Johanson: Aye

ADJOURNMENT: 12:26 pm

Respectfully Submitted,

Karen Rajsteter, District Clerk